

1 Tanya E. Moore, SBN 206683
2 MOORE LAW FIRM, P.C.
3 300 South First Street, Suite 342
4 San Jose, California 95113
5 Telephone (408) 298-2000
6 Facsimile (408) 298-6046
7 E-mail: service@moorelawfirm.com

5 Attorney for Plaintiff
Jose Trujillo

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11 JOSE TRUJILLO,) No. 1:21-cv-00058-NONE-BAM
12 Plaintiff,)
13 vs.)
14 H&S LBSE INC dba 7-ELEVEN #22736G,)
et al.,)
15)
16 Defendants.)
17 _____)

18 **WHEREAS**, Plaintiff, Jose Trujillo (“Plaintiff”), seeks to amend his complaint to allege
19 additional access barriers which relate to his disability which were identified during the
20 pendency of this action;

21 **WHEREAS**, the Ninth Circuit both urges and requires Plaintiff to identify in his
22 complaint all barriers identified which relate to his disability. *Chapman v. Pier 1 Imports (U.S.)*
23 *Inc.*, 631 F.3d 939, 944 (9th Cir. 2011); *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 909 (9th
24 Cir. 2011);

25 **WHEREAS**, the Parties have not commenced discovery, other than the inspection of the
26 subject property by Plaintiff;

27 **WHEREAS**, Plaintiff has not unduly delayed the amendment, does not bring it in bad
28 faith, the amendment is not futile, and such amendment does not prejudice defendants H&S

**STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT;
ORDER**

1 LBSE Inc dba 7-Eleven #22736G and 7-Eleven, Inc. ("Defendants"), nor does the amendment
2 in any way change the nature of the action;

3 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff and
4 Defendants, through their respective attorneys of record, that Plaintiff may file a First Amended
5 Complaint, a copy of which is attached hereto as Exhibit "A."

6 **IT IS FURTHER STIPULATED** that Plaintiff file his First Amended Complaint within
7 five (5) calendar days of the Court's Order permitting such filing, and that Defendants' responses
8 thereto shall be due as required by the Federal Rules of Civil Procedure.

9
10 **IT IS SO STIPULATED.**

11 Dated: June 25, 2021

MOORE LAW FIRM, P.C.

12 */s/ Tanya E. Moore*
13 Tanya E. Moore
14 Attorney for Plaintiff,
15 Jose Trujillo

16 Dated: June 25, 2021

CALL & JENSEN
A Professional Corporation

18 */s/ Michael S. Orr*
19 Julie R. Trotter
20 Michael S. Orr
21 Attorneys for Defendants,
22 H&S LBSE Inc dba 7-Eleven #22736G
23 and 7-Eleven, Inc.

24
25
26
27
28

STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT;
ORDER

ORDER

The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff may file his First Amended Complaint, a copy of which was filed with the Parties' stipulation, within five (5) calendar days of the date this Order is filed.

IT IS FURTHER ORDERED that Defendants' response thereto shall be filed within the time required by the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: June 28, 2021

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE